

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

SPRINGFIELD SCHOOL COMMITTEE,)
Plaintiff,)
v.)) CIVIL ACTION NO. 08-30132-MAP
QUETZAL DOE, By and Though his Educational)
Surrogate Parent BRYAN CLAUSON, ESQ.,)
THE MASSACHUSETTS DEPARTMENT)
OF ELEMENTARY AND SECONDARY)
EDUCATION and THE BUREAU OF)
SPECIAL EDUCATION APPEALS,)
Defendants.)

STATE DEFENDANTS' CROSS-MOTION FOR SUMMARY JUDGMENT

Defendants the Massachusetts Department of Elementary and Secondary Education and the Bureau of Special Education Appeals (“BSEA”) (collectively, the “state defendants”) cross-move, pursuant to FED. R. CIV. P. 56(b) and LR. 56.1, for summary judgment in their favor, affirming the decision of the BSEA under review. Dkt. No. 20 (*Administrative Record [Volume I of II]*) at 203-214. The reasons why this motion should be granted, Springfield’s cross-motion for summary judgment (Dkt. No. 25) should be denied, and final judgment entered in the state defendants’ favor are set forth in the accompanying memorandum.

REQUEST FOR ORAL ARGUMENT

The state defendants request, pursuant to LR. 7.1(D), that the Court hold oral argument on this motion and on Springfield's cross-motion for summary judgment.

Respectfully submitted,

THE MASSACHUSETTS DEPARTMENT
OF ELEMENTARY AND SECONDARY
EDUCATION and THE BUREAU OF
SPECIAL EDUCATION APPEALS

By their attorney,

MARTHA COAKLEY
ATTORNEY GENERAL

By: /s/ James S. Whitcomb
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DATED: December 31, 2008.

CERTIFICATE OF SERVICE

I, James S. Whitcomb, Assistant Attorney General, hereby certify that this document, filed through the Electronic Case Files system, will be, on this 31st day of December, 2008, sent electronically to the registered participant(s) as identified on the Notice of Electronic Filing and mailed in paper copy form, by first class mail, postage prepaid, to those indicated non-registered participant(s).

/s/ James S. Whitcomb
James S. Whitcomb